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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,906	12/10/2003	Michael T. McKibben	LET01-GN005	5793
30074 7590 04/30/2009 TAFT, STETTINIUS & HOLLISTER LLP SUITE 1800 425 WALNUT STREET CINCINNATI, OH 45202-3957			EXAMINER LIE, ANGELA M	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 04/30/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,906	<b>Applicant(s)</b> MCKIBBEN ET AL.	
	<b>Examiner</b> ANGELA M. LIE	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/31/2008</u>  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### Status of claims

1. Claims 1-12 and 16-43 are currently pending.
2. Claims 13-15 are canceled.
3. Claims 1, 16, 24, 31, 36 and 37 have been amended.
4. Claims 38-43 are newly added.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. **Claims 1-12 and 16-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Copperman et al (US Publication No. 2007/0033221), hereafter referred to as Copperman.**

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7. **As to claims 1, 16, 24, 31, 36 and 37-43,** Copperman discloses a method and a system comprising: a storage device adapted to store data and contextual metadata (wherein contextual metadata is considered to include both taxonomy/tags related to a plurality of knowledge containers and user profile information (i.e. weights associated with particular taxonomies derived based on explicit or implicit profiling (paragraphs [0054] and [0183])), the contextual metadata being associated with: a) data component that is associated with one or more data operations being performed on the data (paragraph [0043]); and b) a tagging component that automatically tags contextual information to the contextual metadata when the data is created (paragraph [0052], wherein taxonomy tags (context information) is used in creating smart summary (contextual metadata)), the contextual information being at least one of automatically generated information generated by the system upon creation of the data (paragraph [0047], wherein tags can be created automatically via auto-contextualization) and automatically generated information generated by the system upon the one or more data operations being performed on the data; and a computer device linked via one or more communication links to the storage device, the computer device adapted to execute a software tool (paragraph [0116]) configured to perform the steps of: performing one or more data operations (paragraph [0183], wherein querying data is considered data operation), by the user, on the data while in the first user context (paragraph [0183], wherein the user can ask/answer/query particular question during the retrieval, and this could modify the weight(s)) to which the software tool is associated; automatically tagging contextual information related to the user (paragraph [0183], once the user's

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preferences are adjusted the tags associated with documents are also adjusted in the customer knowledge container), the software tool, and the first user context to the data as contextual metadata; updating the contextual metadata based upon the one or more data operations [paragraphs [0182] and [0183], wherein the customer knowledge container is dynamically rendered); performing one or more data operations on the data by the user in the second user context to which the software tool is associated (paragraph [0183], "the system may alternatively observe user behavior and then modify taxonomy tags accordingly", in other words user can conduct dialog, place question/answer via certain website (i.e. performing operations on data). Furthermore it is important to note that user's behavior is tracked continuously, hence user's subsequent steps are analyzed and context metadata (i.e. customer knowledge container) is updated accordingly); automatically tagging contextual information related to the user, the software tool, and the second user context to the data as contextual metadata; and updating the contextual metadata based upon the one or more data operations (paragraphs [0182] and [0183], similarly to the first context, user's profile (contextual metadata comprising tags most likely desired by a user) is constantly adjusted based on user's actions performed on the data)). However, Copperman does not explicitly teach that the information is generated by the system upon the one or more data operations being performed on the data and updating the contextual metadata based upon the one or more data operations. On the other hand, Fenton teaches dynamic indexing of a website content, wherein indexing (i.e. metadata) is updated automatically as soon as content of a corresponding web-site is modified

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(paragraph [0102]). It would have been obvious to one of ordinary skill in the art at the time the invention was made, to combine Copperman's teaching about creation of a context information and metadata based on the context of a document, with Fenton's teaching about updating such metadata whenever original content of a document is modified, in order to maintain the most up-to-date description of a data, thus providing better result retrieval when user's query is compared with the corresponding metadata describing document of interest.

8. **With respect to claims 38-43,** Copperman also teaches that the first context as well as the second could be a web page (paragraph [0183], wherein user's behavior is continuously tracked, so that one user can go to different websites to enter query/question and these actions could result in different tags (change in context metadata)).

**As to claims 2 and 25,** Copperman further teaches the contextual information being tagged to the data when the data is being saved (paragraph [0054], so that with creation of plurality of new documents, wherein the contextual information is formed as the documents are being created. In other words if there is a plurality of documents, then the contextual information is created as soon one document is available (i.e. during the saving of the data, wherein data includes plurality of documents)).

**As to claims 3 and 26,** Copperman discloses the contextual information being tagged to the data when the data is first saved (Figure 5, steps 505 and 535, wherein data is first saved and then context information is added (i.e. taxonomy tags)).

**As to claim 4,** Copperman discloses teaches the contextual information being representative of the user context that is associated with a board (paragraph [0052], (i.e. user's profile)).

**As to claims 5 and 35,** Copperman also discloses the contextual information being automatically tagged to any type of data created in association with the user context (paragraph [0052], wherein taxonomy tags (contextual information) can be matched to a customer's profile).

**As to claims 6, 7, 17, 18 and 23,** Copperman discloses the contextual information including a link to a storage location of the data, which link is assigned to each user of the user context in which the data was created (paragraph [0057], wherein some taxonomy tags (i.e. links) can define source from which certain document is uploaded).

**As to claim 8,** Copperman discloses the contextual information being associated with the user context, which user context is further associated with an application tool that is used to generate data (paragraph [0147], i.e. an application for creation of taxonomy tags).

**As to claim 9,** Copperman discloses the application tool including a pointer for each user associated with the user context (paragraph [0057], wherein each user is presented at least on tag).

**As to claims 10 and 20,** Copperman discloses the pointer to a storage location of the data (paragraph [0057], wherein tag indicates a source from which certain document is uploaded).

**As to claim 11,** Copperman teaches the data component monitoring the data being created from one or more applications (paragraph [0183], wherein the application monitors user's actions) that perform data operations related to at least one of (including but not limited to) telephony, unified messaging, decision support, document management, portals, chat, collaboration, search (paragraph [0008], i.e. submitting query), vote, relationship management, calendar, personal information management, profiling, video, directory management, executive information systems, dashboards, cockpits, tasking, meeting and, web and video conferencing.

**As to claim 12,** Copperman teaches the contextual information including context data that is representative of a user context, which context data is automatically tagged to the data (paragraph [0048]).

**As to claim 19,** Copperman teaches the contextual information being associated with the user context, which user context is further associated with an application tool that is used to generate data (paragraph [0147], i.e. an application for creation of taxonomy tags); the application tool including a pointer for each user associated with the user context (paragraph [0057], wherein each user is presented at least on tag).

**As to claim 21,** Copperman teaches the pointer being generated with read-only access (paragraph [0183], wherein some pointers (i.e. original tags) are not modified even if a user modifies implicit profiling, thus those original pointers are considered read-only).

**As to claim 22,** Fenton teaches the one or more data operations causing updating of at least one of the contextual information and the data (paragraph [0102]).



**As to claim 27,** Copperman teaches the method further comprising tagging the contextual information to the data in accordance with a backup operation (paragraph [0181], wherein context information (taxonomy tags) are associated/linked to corresponding context nodes which provide additional information about the requested content, thus provide more data that could be utilized in backup operation).

**As to claim 28,** Copperman teaches the method further comprising linking one or more users of the user context to the data using the contextual information (Figure 2, for instance author in section 50, could be equated to this user).

**As to claim 29,** Copperman teaches the one or more users being granted at least read access to the data (paragraph [0082]).

**As to claim 30,** Copperman teaches the method further comprising encoding the location of the stored data such that the encoded location is processed to access the stored data (paragraph [0057], wherein some taxonomy tags (i.e. links) define source from which a document is uploaded).

**As to claim 32,** Copperman teaches the user and the one or more other users being associated with a user context (interpreted as marked content as illustrated in figure 2, element 70) of the user (paragraph [0181] wherein knowledge containers can be tagged as to represent certain users, and if multiple users have similar interests and needs, once the search is activated, those users would have access to the same "user context").

**As to claim 33,** Copperman teaches the method further comprising linking the data with the one or more other users of other respective user contexts (paragraph

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[0181] wherein the data (i.e. in a knowledge container) can be mapped to multiple user's contexts, in other words data can be tagged in such a manner as to match interests and needs of respective users).

**As to claim 34,** Copperman teaches the data being linked using a webslice (paragraph 55, wherein a concept node and appropriate knowledge containers are linked).

### ***Response to Arguments***

9. Applicant's arguments filed February 17, 2009 have been fully considered but they are not persuasive.

10. With respect to the arguments addressing newly added limitations, the Examiner would like to note that all of the limitations have been mapped in the rejection above.

11. The Examiner would also like to note that the rejection has been changed from 35 U.S.C 103(a) to 35 U.S.C 102(e) due to further claim language and prior art analysis.

12. In particular, claim 1 for instance discloses in line 10, that “ the contextual information being **at least one of**”. Thus contextual information could be either generated due to creation **or** other data operations. In the previous rejection, the Examiner considered both options as required, but evidently claim language does not require it.

13. Then again, the newly introduced limitations into the independent claims recite data operations in a more explicit manner. In response to this amendment, the Examiner provided new pertinent sections from the previously cited prior art (i.e.

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Copperman). In particular data operations are considered to include data accessing, data querying etc.

14. Furthermore, on page 17, the Applicant alleges that “Copperman and Fenton also fail to teach that the user context further includes a plurality of user contexts, and the contextual metadata being updated based on upon the one or more data operations occurring in any one of the plurality of user contexts”.

15. The Examiner disagrees with the Applicant’s assertion. In particular as disclosed in paragraph [0183] of Copperman, a user's behavior can be tracked so that the customer knowledge container or user's profile can be adjusted so that user can receive tags and taxonomies that he/she most likely would be interested in (paragraph [0054]). As described in the above cited paragraphs, in order to obtain such an efficient interest evaluator, the user’s inputs provided in different contexts (paragraph [0183], i.e. via email, web site) are taken into account and the weights and scores in the user’s profile (i.e. part of the context metadata) are adjusted accordingly. Furthermore, only selected taxonomy tags can be shown to the user based on the user’s profile (i.e. gathering information about user's behavior and paragraph [0054]). Thus the context metadata collected and displayed to the user is rendered based upon the actions performed on the data (for instance history of retrieving particular documents). Consequently, the Examiner maintains that Copperman teaches plurality of contexts wherein the contextual metadata is updated.

Then on page 21, the Applicant contends that the prior art does not teach “a collaboration data management tool for at least many-to-many functionality ... data communications, data organization, data processing and/or data storage”.

The Examiner disagrees with the argument above. First of all, the phrase “many-to-many functionality” does not clearly define what is included and what is excluded from the collaboration tools. Further Copperman does teach collaboration tool, where the user can interact and retrieve desired content, and based on his/her behavior the result taxonomies associated with the documents that the user would most likely to be interested at. Consequently, the Examiner maintains that the prior art teaches collaboration tool at least allows for data communication (i.e. data can be shared among multiple users), data organization (wherein data is gathered and compiled based on user's preference), data processing (data regarding user's preferences as well as taxonomies are processed), and data storing (wherein the documents once created are stored, in order to allow users future access).

### ***Inquiry***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA M. LIE whose telephone number is (571)272-8445. The examiner can normally be reached on M-F.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela M Lie/  
Examiner, Art Unit 2163

/don wong/

**Supervisory Patent Examiner, Art Unit 2163**